REMARKS/ARGUMENTS

Claims 8, 9 and 12 are pending. By this Amendment, claims 1, 2, 4-7, 10, 11 and 13-19 are cancelled, and claims 8, 9 and 12 are amended. Support for the amendments to claims 8, 9 and 12 can be found, for example, in the present specification at paragraph [0017], and in original claims 8-12. No new matter is added. In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

Rejection Under 35 U.S.C. §102/§103

The Office Action rejects claims 7, 13 and 19 under 35 U.S.C. §102(b), or in the alternative under 35 U.S.C. §103(a), over U.S. Patent Application Publication No. US 2003/0069320 to Minami et al. ("Minami"). By this Amendment, claims 7, 13 and 19 are cancelled, rendering the rejection moot.

Rejections Under 35 U.S.C. §103

A. Chu and Minami

The Office Action rejects claims 14-16, 18 and 19 under 35 U.S.C. §103(a) over U.S. Patent No. 4,877,840 to Chu ("Chu") in view of Minami. By this Amendment, claims 14-16, 18 and 19 are cancelled, rendering the rejection moot.

B. Chu and Miller

The Office Action rejects claims 14, 15, 17 and 19 under 35 U.S.C. §103(a) over Chu in view of U.S. Patent No. 6,469,188 to Miller et al. ("Miller"). By this Amendment, claims 14-16, 18 and 19 are cancelled, rendering the rejection moot.

C. Minami and Enikolopow

The Office Action rejects claims 1, 2, 4, 6-10, 12-17, 18 and 19 under 35 U.S.C. §103(a) over Minami in view of U.S. Patent No. 4,607,797 to Enikolopow et al. ("Enikolopow"). By this Amendment, claims 1, 2, 4, 6, 7, 10, 13-17, 18 and 19 are cancelled, rendering the rejection moot as to those claims. As to the remaining claims, Applicants respectfully traverse the rejection.

Claim 8 is set forth above. Minami and Enikolopow do not disclose or suggest such a method.

By this Amendment, claim 8 is amended to incorporate the subject matter of claim 11, which is not subject to this rejection. Accordingly, amended claim 8 is believed to distinguish over Minami and Enikolopow.

Applicants note that Minami does not disclose or suggest employing a flexible polyolefin resin composition that is a crystalline resin with a melting point (Tm-D) from 20 to 120°C or that has a crystallization time of 3 minutes or more. Enikolopow does not remedy the deficiencies of Minami.

Moreover, Enikopolow discloses methods and devices for continuously pulverizing melted polymers to economically make a powdered polymeric material. *See, e.g.,* Enikopolow, Abstract. The disclosed methods for making a powdered polymeric material include:

(a) feeding a polymeric material into an extrusion device;

(b) heating the material above its fusion temperature in a first portion of the device;

(c) conveying the fused material to a second portion of the device;

(d) cooling the material to a temperature below its solidification temperature;

(e) simultaneously pre-crushing and pulverising the solidified material to form a powder; and

(f) discharging the powdered material from the device.

See, e.g., Enikolopow, claim 1. The fused polymer is cooled in the second portion of the device to a temperature of from 1.5 to 100 °C, and more preferably 10 °C, below its solidification temperature. *See, e.g.,* Enikopolow, column 3, lines 62 to 66.

In the disclosed methods of Enikolopow, the polymer material is fused by heating in the first portion of the device. *See* Enikolopow, column 3, lines 23 to 26. The polymer material is preferably polyethylene. *See* Enikolopow, column 3, lines 26 to 28. The cooling process occurs in the second portion of the device. *See* Enikolopow, column 3, line 30. In the cooling process, the fused material is cooled to a temperature below its solidification temperature simultaneously carrying out pre-crushing and pulverization. *See* Enikolopow, column 3, lines 30 to 34.

While Enikolopow discloses that a polymeric material is fused, and then melt-kneaded while cooling to a temperature below its solidification temperature (melting point), Enikolopow is focused on the mechanics of the methods and not the properties of the polymeric material used as a starting material and the resulting properties of the powdered polymeric material obtained from the methods. For example, Enikolopow only provides specific disclosure of employing polyethylene (an α-olefin with only 2 carbon atoms) in the described devices and methods. Polyethylene, as employed in Enikolopow, has an extremely short crystallization time and a high crystallization speed in comparison with a polymer based on an α-olefin with 3 to 20 carbon atoms, as required in claim 8. Accordingly, one of ordinary skill in the art would not expect that employing the polymers of Minami (or Miller discussed below) in the method of Enikolopow would yield a granulated polymer having the low tacticity that is possible with the method of claim 8.

As is well-settled, a *prima facie* case of obviousness based on a proposed modification to a reference (e.g., employing the polymers of Minami in the methods of Enikolopow) will only stand if one of ordinary skill would have had a reasonable expectation of success upon making the modification. *See, e.g.,* MPEP §2143.02 (citing *In re Merck & Co., Inc.*, 800 F.2d 1091 (Fed. Cir. 1986)). One of ordinary skill in the art would have had no reason to expect that the polymers of Minami would be useful in the methods of Enikolopow.

As explained, claim 8 would not have been rendered obvious by Minami and Enikolopow. Claims 9 and 12 depend from claim 1 and, thus, also would not have been rendered obvious by Minami and Enikolopow. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

D. Miller and Enikolopow

The Office Action rejects claims 1, 2, 5, 7-9, 11, 13-15, 17 and 19 under 35 U.S.C. §103(a) over Miller in view of Enikolopow. By this Amendment, claims 1, 2, 5, 7, 11, 13-15, 17 and 19 are cancelled, rendering the rejection moot as to those claims. As to the remaining claims, Applicants respectfully traverse the rejection.

Claim 8 is set forth above. Miller and Enikolopow do not disclose or suggest such a method.

By this Amendment, claim 8 is amended to incorporate the subject matter of claim 12, which is not subject to this rejection. Accordingly, amended claim 8 is believed to distinguish over Miller and Enikolopow.

Applicants note that Miller does not disclose or suggest employing a flexible polyolefin resin composition that has a PP isotacticity [mm] of 50 to 90 mol%. Enikolopow does not remedy the deficiencies of Minami. Moreover, Applicants submit that one of ordinary skill in the art would not have combined the teachings of Miller and Enikolopow for

at least the reasons discussed above with respect to the rejection over Minami and Enikolopow.

As explained, claim 8 would not have been rendered obvious by Miller and Enikolopow. Claim 9 depends from claim 1 and, thus, also would not have been rendered obvious by Miller and Enikolopow. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

For the foregoing reasons, Applicants submit that claims 8, 9 and 12 are in condition for allowance. Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

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